

REMARKS

In the Action, the claims are restricted to Group I, including claims 1-31 directed to the method of producing the self-hardening absorbable composite material, Group II, including claims 32-37 directed to the self-hardening bioabsorbable composite material, Group III, including claim 38 directed to the method for machine producing implants, and Group IV, including claim 39 directed to the method of producing a bone adhesive.

In response, Applicants elect the Group I claims, including claims 1-31 directed to the method of producing the self-hardening bioabsorbable composite material. The Action suggests that there is a lack of unity in that the groups of claims do not relate to a single inventive concept. Applicants note that there was no lack of unity objection made in the corresponding international application as noted in the International Preliminary Examination Report. Therefore, Applicants submit that the restriction is improper.

The Action also requires an election of species of claims 4, 7, 8, 12-14 and 30. Applicants provisionally elect the species of claim 8. The Action provides no basis for the election of species. The Action suggests that the species lack unity of invention but provides no explanation for such a position. The dependent claims recite certain characteristics of the constituents of the bioabsorbable composite material. The Action provides no basis nor does the Action suggest that the characteristics recited in the claims define patentably distinct species. Accordingly, Applicants submit the restriction and the election of species is improper and should be withdrawn.

The present Amendment amends independent claim 1 to include the subject matter of original claim 8. Thus, independent claim 1 and dependent claims 2-7 and 9-31 read on the elected species and the elected group of claims. The present amendment also cancels claim 8. Claim 37 is amended to depend from claim 31 to overcome the objection noted on page 2 of the Action.

In view of these amendments and the above comments, prompt and favorable examination on the merits is requested.

Respectfully submitted,



Garrett V. Davis
Reg. No. 32,023

Roylance, Abrams, Berdo & Goodman, L.L.P.
1300 19th Street, N.W., Suite 600
Washington, DC 20036
(202)659-9076

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